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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 2/8/06 Signature: [Signature]

Docket No.: NHC19586-USA
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zeng, Xian-Ming

Application No.: 10/646,363

Group Art Unit: 1616

Filed: August 21, 2003

Examiner: Alstrum

Acevedo, James Henry

For: Method of preparing dry
powder inhalation compositions

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office action mailed October 11, 2005. Claims 1-15 have been restricted pursuant to 35 U.S.C. §121, into three groups, namely:

- I. Claims 1-10, drawn to methods of preparing a dry powder inhalation composition;
- II. Claims 11-14, drawn to dry powder inhalation compositions; and
- III. Claim 15, drawn to a method for the administration of a particulate medicament.

Applicants hereby elect Group I, claims 1-10. This election is made with traverse.

Applicant respectfully requests modification of the

restriction requirement so that the claims of these two groups, i.e., claims 1-14, are examined on the merits. Claims 11-14 contain all the limitations of Claim 1. Thus, notwithstanding the different classifications of Groups I and II, it would certainly appear that the patentability search conducted for the claims of Group I would necessarily uncover prior art directed to the product produced by that process. There would be absolutely no undue burden on the Patent Office to examine these two groups together in a single patent application. In the alternative, applicant respectfully requests rejoinder of claims 11-14 in the event that claim 1 is found to be allowable. (Section 821.04(a) of the MPEP does not limit rejoinder to situations in which product claims are elected.)

Applicant also submits that Groups I and III have not been shown to be "unrelated". To the contrary, the claims of Group I are directed to processes for making the product that is used in the method of claim 15. Thus, these two groups are, in fact, capable of use together. Accordingly, they are not "unrelated", at least for the purposes of §121.

In conclusion, applicant respectfully requests withdrawal of the requirement for restriction, and examination of claims 1-15. At the very least, Applicant requests modification of the restriction requirement and joinder of Groups I and II, and examination of claims 1-14 on the merits.

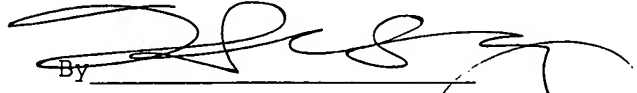
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In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account (Account Number 500943) therefor.

Dated: 7 February, 2006

Respectfully submitted,


By _____

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